

Entered - 12/09/04 - sb  
CL04L0834 - DIANNE C. MITCHELL

CLAIM OF: **BRIAN POLINSKY**  
680 Boulevard SE  
Atlanta, Georgia 30312

**05 - R - 0790**

For damages alleged to have been sustained as a result of storm sewer overflow on June 27, 2004 at 1005 Hill Street, SE.

BY PUBLIC SAFETY AND  
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **BRIAN POLINSKY** the sum of **\$10,427.08** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of storm sewer overflow on June 27, 2004 at 1005 Hill Street, SE as is more particularly set forth in the within claim; said sum taken from and charged to account **2J01/529017/Q30001**.

APPROVED: **LINDA K. DISANTIS**  
CITY ATTORNEY

BY:   
**JERRY L. DELOACH**  
DEPUTY CITY ATTORNEY

## FAVORABLE REPORT

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: 5/10/05  
CHAIR: C. L. Anderson

C. L. Anderson

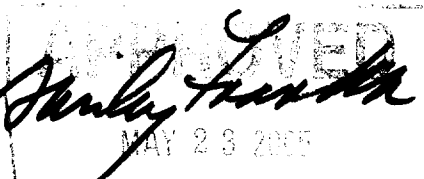
Mary Norwood

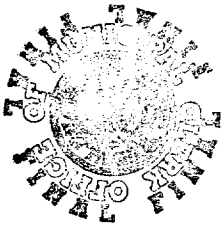
C. T. Martin

Joyce or Sheperd

Paul Smith

ADOPTED BY  
MAY 16 2005  
COUNCIL

  
MAY 23 2005  
MAYOR



**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

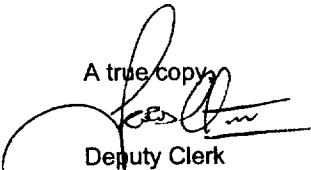
**05-R-0790**

**A RESOLUTION**

**BY PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE**

**BE IT RESOLVED BY** the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Brian Polinsky** in the sum of **\$10,427.08** settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained **as a result of storm sewer overflow on June 27, 2004 at 1005 Hill Street SE** as is more particularly set forth in the within claim; said sum taken from and charged to Account 2J01/529017/Q30001, Settlement of Suits and Claims, Department of Law.

A true copy

  
Deputy Clerk

**ADOPTED by the Council  
APPROVED by the Mayor**

May 16, 2005  
May 23, 2005

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0834

Date: April 28, 2005

Claimant /Victim BRIAN POLINSKY

BY: (Atty)(Ins. Co.) \_\_\_\_\_

Address: 680 Boulevard, SE, Atlanta, Georgia 30312

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 10,427.08 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 12/09/04 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 06/27/04 Place: 1005 Hill Street, SE

Department Watershed Management Bureau: Wastewater Treatment and Collections

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimant's property was damaged due to storm sewer overflow caused by a defective and inadequate catchbasin. The City had notice of this problem prior to the event causing damage to the claimant's property, but failed to make the necessary repairs. Those repairs have now been made by the Bureau of Wastewater Treatment and Collections.

INVESTIGATION:

Statements: City employee X Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral X

Pictures X Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_

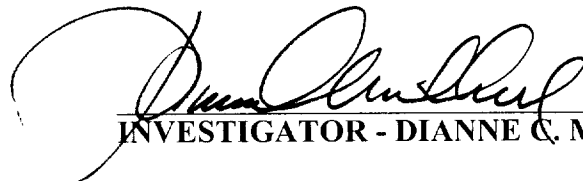
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable X

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,



INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 10,427.08 Adverse \_\_\_\_\_ Account charged: 1A01 \_\_\_\_\_ 2J01 X 2H01 \_\_\_\_\_ 2P01 \_\_\_\_\_

Claims Manager: Dianne C. Mitchell Concur/date 04/28/05

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 6676  
5/16/05  
2:05 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 3-15

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	B Fauver	Y Martin	Y Norwood
NV Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

CONSENT I

		05-16-05 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSE ON CONSENT
1. 05-O-0655 2. 05-O-0656 3. 05-O-0657 4. 05-O-0658 5. 05-O-0659 6. 05-O-0762 7. 05-O-0778 8. 05-O-0781 9. 05-O-0871 10. 05-O-0874 11. 05-O-0669 12. 05-O-0684 13. 05-O-0685 14. 05-O-0850 15. 05-O-0702 16. 05-O-0703 17. 05-O-0704 18. 05-O-0845 19. 05-R-0822 20. 05-R-0823 21. 05-R-0824 22. 05-R-0827 23. 05-R-0828 24. 05-R-0834 25. 05-R-0881 26. 05-R-0821 27. 05-R-0872 28. 05-R-0830 29. 05-R-0875 30. 05-R-0838	31. 05-R-0839 32. 05-R-0677 33. 05-R-0832 34. 05-R-0833 35. 05-R-0836 36. 05-R-0837 37. 05-R-0878 38. 05-R-0818 39. 05-R-0820 40. 05-R-0826 41. 05-R-0835 42. 05-R-0785 43. 05-R-0786 44. 05-R-0787 45. 05-R-0788 46. 05-R-0789 47. 05-R-0790 48. 05-R-0791 49. 05-R-0792	50. 04-R-1789 51. 05-R-0793 52. 05-R-0795 53. 05-R-0799 54. 05-R-0800 55. 05-R-0801 56. 05-R-0802 57. 05-R-0805 58. 05-R-0806 59. 05-R-0807 60. 05-R-0810 61. 05-R-0812 62. 05-R-0814

**Attached 'A'**

Storm water run-off from Hills Street entered the property at 1005 Hill Street via the side walk which to date still is under water during moderate rain fall. The water poured through the property leaving hundreds of gallons of water pooled in the front yard destroying the new lawn and landscaping. Water also entered the interior of the building as a result of the massive amounts of standing water in the front yard, flooding a new renovation. The water also made its way to the back from the front yard as well as from side street, Farrington Ave also destroying the lawn at the rear of the property.